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MAY 14 2025
CLERK, U.S. DISTRICT COURT
MINNEAPOLIS, MINNESOTA

9 UNITED STATES DISTRICT COURT
10 FOR THE DISTRICT OF MINNESOTA
11

12 Steve Salvador Ybarra
13 Self-Represented
14 Pro Se Litigant,
15
16 Plaintiff,

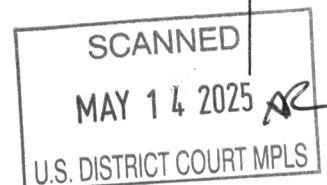
No. . 0:25-cv-01948-KMM-DJF

**SUPPLEMENTAL DECLARATION
DETAILING ONGOING JUDICIAL
MISCONDUCT AND PROCEDURAL
SUPPRESSION IN SUPPORT OF
PRELIMINARY INJUNCTION
(Fed. R. Civ. P. 65(a))**

17 v.

18 Legal Assistance of Dakota County;
19 Sharon Jones Esq., in her Individual and
20 Official capacities;
21 Hon. David Lutz, in his individual and
22 Official capacities;
23 Hon. Tanya Obrien, in her individual and
24 official capacities;
25 Hon. Dannia L Edwards, in her individual
26 and official capacities;
27 Lydia Clemens, in her individual and
28 official capacities;
Michelle Cathleen Ybarra,
Defendants.

I, Steve Salvador Ybarra, declare under penalty of perjury under the laws of the United States, pursuant to 28 U.S.C. § 1746, that the following is true and correct to the best of my knowledge:



1 **I. I. PURPOSE OF AFFIDAVIT**

2 This affidavit is submitted in support of my Motion for Preliminary Injunction in the
3 above-captioned matter. It documents, with direct reference to the May 12, 2025
4 transcript, ongoing constitutional violations committed by Hon. David Lutz, including
5 refusal to recuse after acknowledging institutional ties to a named defendant, refusal to
6 hold evidentiary hearings on live allegations of fraud, and repeated use of protective
7 orders and procedural delay to suppress discovery and shield misconduct.

8
9 **II. FACTUAL BACKGROUND**

10 1. On May 12, 2025, during an on-record proceeding in Dakota County Case No. 19AV-
11 FA-24-839, Judge David Lutz explicitly stated: “I handled six cases between 2013 and
12 2019 as a volunteer attorney for Legal Assistance of Dakota County.”

13
14 2. Legal Assistance of Dakota County (LADC) is a named defendant in this federal case.
15 Its lead attorney, Sharon Jones, is the individual who ghostwrote affidavits, obstructed
16 discovery, and submitted knowingly false indigency certifications that have been used to
17 secure publicly funded legal services.

18
19 3. I immediately moved for Judge Lutz’s recusal under Canon 2.11(A)(6)(a) of the
20 Minnesota Code of Judicial Conduct, which requires disqualification where prior legal
21 service for a party or materially connected entity creates an appearance of partiality.

22
23 4. Judge Lutz denied this motion on the record. He admitted to the prior affiliation, but
24 dismissed the recusal standard by asserting he had no financial relationship or specific
25 memory of collaborating with Ms. Jones.

26
27 5. As I preserved on the record, the standard for recusal is not actual bias but the
28 appearance of impropriety. See *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009);

1 *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988).

2 **III. DENIAL OF EVIDENTIARY HEARING ON FRAUD**

3 6. I filed four motions under Minn. R. Civ. P. 60.02(d), supported by: o Pay stubs showing
4 income exceeding legal aid eligibility;

5 o Conflicting sealed IFP affidavits;

6 o Verified exhibits of ghostwritten pleadings by Ms. Jones.

7
8 7. Judge Lutz refused to hold any evidentiary hearing. When pressed on this issue, he
9 stated: “We will be proceeding with trial. I do not see a prima facie case of fraud on the
10 court.”

11
12 8. This directly contradicts *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238
13 (1944), which holds that courts must proactively intercept fraud upon the tribunal—not
14 allow it to shape the trial record.

15
16 **IV. JUDICIAL ENTRENCHMENT & DUE PROCESS VIOLATIONS**

17 9. I articulated on record that the court had: o Sealed affidavits central to the fraud claim;

18 o Refused to compel discovery of LADC intake records;

19 o Allowed the continued participation of a discredited GAL (Lydia Clemens), despite her
20 reliance on revoked CPS findings.

21
22 10. When asked about intake fraud, perjury, fraud upon the court and ghostwritten
23 affidavits, Judge Lutz deflected: “Why is it my place to determine whether Legal Aid was
24 correct in accepting her as a client?”

25
26 11. The refusal to investigate this is not procedural—it is judicial abdication. The court is
27 not a passive observer when allegations concern the legitimacy of the evidence before it.

1 12. Judge Lutz confirmed he will not hold a hearing and will instead allow fraud claims to
 2 be dealt with “at trial,” despite fraud being a threshold issue that contaminates all
 3 subsequent rulings.

4
 5 13. This undermines due process under
 6 *Mathews v. Eldridge*, 424 U.S. 319 (1976), and *Goldberg v. Kelly*, 397 U.S. 254 (1970),
 7 which require meaningful opportunity to be heard prior to deprivation.

8 14. As a Mexican-American U.S. citizen proceeding pro se, I have been subjected to
 9 judicial disregard that would not be imposed on represented or non-minority parties
 10 asserting verified federal rights. The disparity in treatment is not only procedural—it
 11 reflects deeper structural inequality under color of law

12 13 **V. CONCLUSION**

14 14. A judge who is a fact witness, named party, and former legal affiliate of a party under
 15 scrutiny cannot lawfully preside.

16 15. This affidavit confirms that Judge Lutz has continued to:

- 17 • Adjudicate discovery and custody issues while under federal complaint;
- 18 • Refuse recusal despite a Canon 2.11 conflict;
- 19 • Delay rulings and suppress discovery;
- 20 • Ignore verified allegations of perjury, ghostwriting, and intake fraud.

21 16. I respectfully submit this affidavit as further evidence that the Minnesota state forum
 22 has become structurally incapable of neutral adjudication and requires federal injunctive
 23 oversight. This is not judicial backlog. This is a systemic pattern—affirmative
 24 suppression, not passive delay.

25
 26 Respectfully submitted,

27 **/s/ Steve Salvador Ybarra**

28 Steve Salvador Ybarra

1 Pro Se Litigant

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5
6 **CERTIFICATE OF SERVICE**

7 I hereby certify that on **May 12, 2025**, I served a true and correct copy of the attached:

8 **SUPPLEMENTAL DECLARATION DETAILING ONGOING JUDICIAL**
9 **MISCONDUCT AND PROCEDURAL SUPPRESSION IN SUPPORT OF PRELIMINARY**
10 **INJUNCTION**

11 (Fed. R. Civ. P. 65(a))

12 upon the following parties by email and/or U.S. Mail:

13 • **Legal Assistance of Dakota County**

14 Email: admin@dakotalegal.org

15 • **Sharon Jones, Esq.**, in her individual and official capacities

16 Legal Assistance of Dakota County

17 Email: sjones@dakotalegal.org

18 • **Hon. David Lutz**, in his individual and official capacities

19 Dakota County District Court

20 1560 Highway 55, Hastings, MN 55033

21 Email: Raymond.mestad@courts.state.mn.us

22 • **Hon. Tanya O'Brien**, in her individual and official capacities

23 Dakota County District Court

24 1560 Highway 55, Hastings, MN 55033

25 Email:

26 • **Hon. Dannia L. Edwards**, in her individual and official capacities

27 Dakota County District Court

28 1560 Highway 55, Hastings, MN 55033

1 Email:

- 2 • **Lydia Clemens**, Guardian ad Litem, in her individual and official capacities

3 First Judicial District GAL Program

4 Email: Lydia.clemens@courts.state.mn.us

- 5 • **Michelle Cathleen Ybarra**, Respondent

6 Email: shellbell@hotmail.com

7 This notice was served to all named parties via email where available and U.S. Mail where
8 necessary, consistent with Fed. R. Civ. P. 5(b) and Local Rule 7.1.

9 Respectfully submitted,

10 /s/ **Steve Salvador Ybarra**

11 Pro Se Litigant

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13 (612) 544-4380

14 Executed May 12, 2025